UNITED STATES DISTRICT OF NEW YORK EASTERN DISTRICT OF NEW YORK

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JOHN RICCIARDI, CALIXTO GARCÍA, JESUS RODRIGUEZ, : MILTON AYALA, PORFIRIO ARRIOLA, CALIXTO PERLERA and JOSÉ ROBERTO VÁSQUEZ,

Plaintiffs.

THE KIMCO CORPORATION, KIMCO FACILITIES SERVICES CORPORATION, KIMCO DELAWARE, INC., EUREST SERVICES, INC. and COMPASS GROUP USA INC.,

Defendants.

FILED IN CLERK'S OFFICE US DISTRICT COURT E.D.N.Y APR 202012 LONG ISLAND OFFICE CV-10-5371 (JS-ARL)

STIPULATION OF PARTIAL DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, by and between plaintiff Porfirio Arriola ("Arriola") and defendants The Kimco Corporation, Kimco Facilities Services Corporation, Eurest Services, Inc. and Compass Group USA Inc. (collectively, the "Defendants"), through their respective counsel, that any and all retaliation claims asserted by Arriola in the Complaint are dismissed with prejudice and without costs against him or Defendants.

Dated: New York, New York April 4, 2012

Respectfully submitted.

LAW OFFICE JAN WALLACE, PLLC By

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(212) 661-5306

Attorney for Plaintiff

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Attorneys for Defendants

The Clock shall update the docket.

SO ORDERED:

JOANNA SEYBERT

Joanna Seybert, USDJ

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